

GAO
(entire pkg.)

OLC RECORD COPY

OLC: 78-2110/2
15 September 1978

MEMORANDUM FOR: Legislative Counsel

FROM:

[REDACTED]
Assistant Legislative Counsel

SUBJECT: DCI Meeting with Secretary of Defense Harold Brown on 18 September 1978

1. The DCI has promised Comptroller General Elmer Staats that he (the DCI) will take up the issue of compartmented clearances for GAO people with the Secretary of Defense. You may want to go over a few points on this with the Director when you meet with him on Monday morning. Two letters related to this subject are either on their way to the Director or are already in his office. I have attached these so that you can show the Director how they relate to one another.

2. There is a letter from the DCI to Deputy Under Secretary of Defense for Policy Admiral Daniel J. Murphy thanking him for his support of the new compartmented clearances program and indicating that Murphy's suggestions on this subject have been referred to you. There is also a letter from the DCI to Staats which attempts to put their recent discussions on the issue of compartmented clearances into the context of the Guidelines and Procedures. A copy of the Guidelines and Procedures themselves is also attached for the Director's information.

3. I think that the main points of understanding to be reached by the DCI and the Secretary of Defense are:

--that the new Guidelines and Procedures do provide for compartmented clearances for the GAO upon the personal approval of the DCI following a written request from a Congressional committee chairman and the endorsement of the department or agency involved.

An example of a letter from House Appropriations Committee Chairman Mahon to DOD and DOD's memorandum of endorsement to the DCI's Legislative Counsel is attached. This is the same procedure that should be followed for GAO clearances.

- The Director may also want to discuss with Secretary Brown Staats' willingness to agree to certain limitations regarding the nature and duration of compartmented clearances for GAO people. This is also attached.



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Attachments:
As Stated

Dist.:
Orig-Addressee
1-OLC Subject
1-OLC Chrono
OLC:GMC:mlg (15 Sept 1978)

Approved For Release 2004/10/12 : CIA-RDP81M00980R001500050026-3

Letter to
Murphy

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USE ONLY☐ CONFIDENTIAL☐ SECRET

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDCI

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DCI

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OLC(for handcarry)

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Attached for your signature is a reply to Deputy Under Secretary of Defense Daniel Murphy's memorandum on Congressional staff security clearances. Your letter acknowledges Murphy's memorandum, indicates that his support of the new Guidelines on compartmented clearances is appreciated, and indicates that his suggestions on this subject have been referred to me.

Frederick P. Hitz

Admiral Daniel J. Murphy
Deputy Under Secretary of
Defense for Policy
Department of Defense
Washington, D.C. 20301

Dear Admiral Murphy:

As you know, we are now engaged in the process of implementing the new Guidelines and Procedures for the issuance of compartmented clearances to the Legislative Branch. The suggestions contained in your 5 September 1978 memorandum on this subject certainly merit serious consideration, and I have brought them to the attention of my Legislative Counsel, Frederick P. Hitz.

Your support on this important matter is appreciated. I expect that our staffs will be consulting one another soon after Congress adjourns.

Yours sincerely,

STANSFIELD TURNER

Dist.:

Orig - Addressee

1-OLC Subject 1-DD/RM

1-OLC Chrono 1-DDA

1-DCI

1-DDCI

1-ER

5X1 OLC: ☐ mlg (12 Sept 78)



POLICY

OLC #78-1119

MEMORANDUM FOR THE DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: Security Clearances for Congressional Staff

Our review of security clearances granted to Congressional staffers indicates that there are presently 431 staffers, including GAO, who have compartmented security clearances recognized by DoD. These all have collateral Top Secret clearances. In addition, there are 591 staffers, including the Library of Congress and Congressional Budget Office, who have Top Secret or Secret clearances recognized by the Department. We believe these burgeoning numbers require some follow-on steps to your letter of July 21, 1978, to Speaker O'Neill and the guidelines for the issuance of compartmented procedures that accompanied the letter.

I recommend that a small interagency group, perhaps in the SCC structure, be convened to discuss follow-on measures. We think a quota system under which each Congressional committee whose jurisdiction is directly relevant to intelligence would have an assigned number of clearances should be explored. We doubt that the Congress will legislate such a system, but we believe there might be acquiescence in a system proposed by the Executive Branch if properly presented and negotiated with the leadership. We also think additional avenues should be explored: restricting the number of committees which may request and/or store intelligence; application of the disclosure provisions of the intelligence committees' resolutions to Congress as a whole; and restricting the dissemination of intelligence beyond the committees authorized to receive it.

I believe it would be useful to do the necessary groundwork for changes in the current system during the coming Congressional adjournment.

Daniel J. Murphy
Admiral, USN (Ret)
Deputy

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Letter to
Staats

ROUTING AND RECORD SHEET

Approved For Release 2004/10/12 : CIA-RDP81M00980R001500050026-3

SUBJECT: (Optional)

FROM:		EXTENSION		NO.
Legislative Counsel				DATE
TO: (Officer designation, room number, and building)		DATE		OFFICER'S INITIALS
		RECEIVED	FORWARDED	
1.	DDCI			<p>Attached for your signature is a letter to Elmer Staats that will put your recent discussions with him on the issue of compartmented clearances into the context of the Guidelines and Procedures which you issued on 21 July. The Guidelines contain a provision on the GAO that should be of use in reaching a solution agreeable to us, Staats, and Secretary Brown.</p> <p>Frederick P. Hitz</p>
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OLC: 78-2110/C

NOT REPRODUCED - DESTROY

Honorable Elmer B. Staats
Comptroller General of the
United States
General Accounting Office
Washington, D.C. 20548

Dear Elmer:

Further to our recent discussions about compartmented clearances for your people. We are now in the process of implementing new Guidelines and Procedures for the issuance of compartmented clearances to the Legislative Branch generally. I have enclosed a copy for you.

I think we can work out a mutually agreeable arrangement within the context of Section C, which covers your organization and the Library of Congress. With regard to your analyses of weapons systems for example, the letter from the appropriate committee chairman to the Secretary of Defense would be forwarded to my Legislative Counsel along with the Secretary's endorsement. I have established this centralized management control mechanism to assure strict, uniform application of need-to-know and personnel security criteria.

I appreciate your willingness to be flexible regarding the nature and duration of requested clearances. I will be back in touch with you on this after I have had a chance to discuss it with Harold Brown.

Yours,

STANSFIELD TURNER

Enclosure

Dist.: Orig-Addressee w/encl.
1-DCI w/encl. 1-OLC Chrono w/o encl.
1-DDCI w/encl.
1-ER w/encl.
1-OLC Subject w/encl.
OLC mlg (14 Sept 1978)

X1

28 August 1978

680

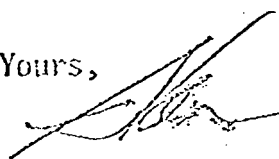
Dear Elmer,

Thanks for coming over for lunch. Both Frank and I enjoyed the opportunity to visit with you.

As promised, I will take up the issue of clearances for your people with Harold Brown. I had hoped to do that on Wednesday, but my meeting with him was too brief to permit that. Harold has now gone on vacation for ten days and I will be on a trip for about a week after he returns--this puts us into mid-September. I just wanted to let you know that I'm not intentionally dragging my feet. I'll get to it as soon as Harold and I can get together again.

All the best.

Yours,



STANSFIELD TURNER

The Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
441 G Street, N. W.
Washington, D. C. 20548

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Guidelines &
Procedures

GUIDELINES AND PROCEDURES FOR THE ISSUANCE
OF COMPARTMENTED CLEARANCES TO
THE LEGISLATIVE BRANCH

At the direction of the Director of Central Intelligence, to centralize the issuance of compartmented access approvals to the Legislative Branch, including staff employees of Congress, and employees of the General Accounting Office and the Library of Congress, thereby assuring the uniform and strict application of need-to-know and personnel security criteria, and to provide for an accurate, up to date, centralized record of holders of such approvals, the following guidelines and procedures are established effective immediately.

A. The DCI's Legislative Counsel shall serve as the Intelligence Community focal point for assuring the proper exercise of need-to-know pertaining to access by employees of the Legislative Branch to intelligence maintained and controlled within the [] of compartmentation. The DCI's Legislative Counsel, acting on behalf of the DCI, shall oversee the processing of all such requests and shall validate the need-to-know. The DCI's Director of Security shall review such requests to assure proper uniform application of security criteria for access under the provisions of DCID 1/14.

B. All requests received by departments and agencies to grant employees of the Legislative Branch access to intelligence controlled within the [] of compartmentation will be submitted by the recipient with its decision, to the DCI's Legislative Counsel for review and concurrence. Requests must clearly describe the nominee's need-to-know. Issues arising in regard to particular requests will be referred to the Director of Central Intelligence for resolution.

C. All requests for approvals of access to intelligence controlled within any system of compartmentation for any employees of the General Accounting Office or the Library of Congress will be submitted to the DCI's Legislative Counsel and will be personally approved by the DCI. Such requests must be at the direction of a Congressional committee and by letter from the committee chairman to the department or agency involved, fully stating the Congressional requirement.

D. Access to compartmented information will be approved only for permanent staff persons of Congressional committees designated by committee or subcommittee chairmen, and to selected Members of the Leadership staffs as designated by the President and President Pro-Tempore of the Senate, the Speaker of the House of Representatives and the Majority and Minority Leaders of both Houses respectively. Personal staff of Members of Congress shall not be granted compartmented clearances.

E. The following criteria will be used to establish need-to-know:

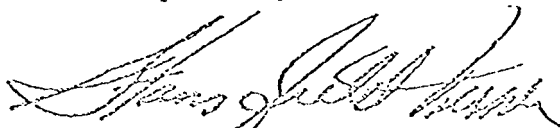
1. Direct involvement in authorization legislation pertaining to Intelligence Community agencies;
2. Direct involvement in appropriations legislation for Intelligence Community agencies;
3. Direct involvement in reviews authorized by law of activities of Intelligence Community agencies;
4. Direct involvement in oversight responsibilities carried out by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence;
5. Direct involvement in other legislative matters which of necessity require direct access to compartmented intelligence.

In most cases, the need for substantive intelligence can be fulfilled without disclosing the source or method of acquisition. Therefore, every effort will be made to satisfy Congressional requirements for information by providing noncompartmented or sanitized material which does not reveal the manner of collection or acquisition. Direct access to compartmented information will not be approved unless sanitization or the provision of noncompartmented information is shown to be inadequate to meet the Congressional requirement.

F. Access approvals will be valid only so long as they are necessary, and approvals granted for particular requirements will be terminated when those requirements have been met. All approvals will be included in the central data base maintained by the Special Security Center under the direction of the DCI's Director of Security.

G. All persons, excluding Members of Congress, granted access to compartmented intelligence information shall have been the subject of a prior investigation meeting the criteria set forth in DCID 1/14. Security investigations of Congressional staff persons may be conducted under agreed upon arrangements with chairmen of committees or subcommittees, as appropriate. Investigations generally will be conducted by the Department of Defense, the FBI, or the Civil Service Commission, depending upon the particular arrangements made. The agency or department sponsoring the clearance will assume responsibility for assuring the conduct of an appropriate investigation. Security determinations made by sponsoring agencies or departments will be reviewed by the DCI's Director of Security to assure the proper uniform application of security criteria under DCID 1/14.

11. No materials controlled within a system of compartmentation will be provided to any Legislative Branch requester for retention without the approval of the DCI's Legislative Counsel and unless maintained in storage facilities which meet prescribed physical security requirements and are so certified by the Special Security Center.



Director of Central Intelligence

21 July 1978

Date

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Appropriations
Letter

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House of Representatives
Committee on Appropriations
Washington, D.C. 20515

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 VIRGINIA SMITH, NEAR.

TELEPHONE
CAPITOL 3-3121
EXT. 3271
OR
227-2773

Sincerely,

Chairman



OFFICE OF THE SECRETARY OF DEFENSE

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OLC #78-5783

13 SEP 1978

MEMORANDUM FOR MR. FREDERICK P. HITZ, LEGISLATIVE COUNSEL
CENTRAL INTELLIGENCE AGENCY

SUBJECT: Request for Special Security Clearance
(Mr. Robert V. Davis)

The attached request for special security clearance is forwarded for your action. After review, this office recommends approval of Chairman Mahon's request. Mr. Davis has primary responsibility for advising the Committee on Appropriations, Subcommittee on Defense, on military manpower and training issues. He will require access to detailed military deployment information as outlined in the Chairman's letter, to enable him to handle this assigned responsibility.

William W. Maurer

William W. Maurer
Brigadier General, USA
Deputy Assistant to the Secretary of Defense
(Legislative Affairs)

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Cooperativeness

SECRET #13-211-71

28 August 1978

MEMORANDUM FOR: Legislative Counsel

FROM : Special Assistant to the DDCI

SUBJECT : GAO Compartmented Clearances

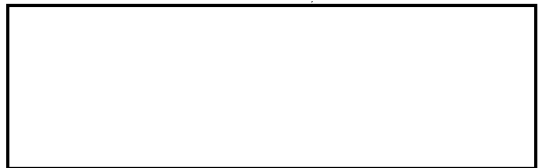
1. The Director and Deputy Director met with Mr. Elmer Staats to discuss GAO access to compartmented information. The talking points presented by Mr. Staats are attached.

2. In addition to these Discussion Notes, Mr. Staats made several statements regarding clearances. He would agree to:

- a) limited duration clearances;
- b) clearances for specific projects;
- c) clearance for the product, e.g. photography from specific systems;



3. Mr. Carlucci would like you to review the Discussion Notes and other issues to determine if a modification of our present policy is possible.



cc: Deputy Director for Resource Management
Inspector General
Director of Security

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